

REMARKS

This paper is filed in response to the office action mailed on December 14, 2006. Claims 1-2, 4-5, 14-22, 24, and 34 have been amended; claims 3 and 23 have been canceled; claims 11-13 are withdrawn; claims 8-10, 28-36, 39, 42, 47, 51-52, and 56-59 have been allowed; and claims 3-5, 19-21, 23-26, 37, 43, 45-46, 48-50 and 53-55 are indicated as including allowable subject matter.

The office action then rejects claims 14-21 under Section 112 as being indefinite. In response, claims 14-21 have been amended to traverse this rejection.

The office action also objects to claim 2. In response, claim 2 has been amended to traverse this objection.

Turning to the rejections based upon the prior art, claims 1-2, 6-7, 22, 27, 38, and 41 stand rejected under Section 102 as being anticipated by Post. In response, independent claims 1 and 22 has been amended to traverse these rejections and applicants present the following remarks traversing the rejection of independent claims 1 and 22.

At the outset, under MPEP §2131,

[t]o anticipate a claim, the reference must teach every element of the claim. 'A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.'

Applicants respectfully submit that Post does not teach or suggest every element of amended claim 1 and therefore the requirements of §2131 have not been met. Specifically, claim 1 now recites a pivoting actuator lever that both releases containers from their respective pump connectors *and* that pulls containers onto their respective pump connectors. Claim 1 recites that the pivoting actuator is mounted on a pivot axis with an operating handle on one side of the axis and an arm for engaging the connector-counterpart of the container on the other side of the pivot axis.

This dual-purpose actuating lever is not taught or suggested by Post. In fact, Post does not teach an actuating lever at all but, instead, teaches a handgrip on one of the containers as shown in Figure 3 of Post. Because this handgrip is not a lever or remotely

similar to a lever, the anticipation rejection of claims 1-2, 6-7 and 38 is improper and must be withdrawn.

With respect to independent claim 22, applicants also respectfully submit that this anticipation rejection based upon Post is improper and must be withdrawn. Specifically, Post in no way teaches or suggests a module that includes a pump, a connector and a container whereby the pump/connector/container module is releasably mounted to a support or turntable using a combination of recesses and extensions. Instead, Post only teaches modular containers or modular container holders. Nowhere in Post is a taught or suggested that the containers are container holders be secured with a pump and connector as a module that is separable from the turntable or support. Thus, because Post does not teach or suggest every element of independent claim 22, applicants respectfully submit that the anticipation rejection of claims 22, 27 and 41 is improper and must be withdrawn.

Next, the patent office rejects claims 14-15 and 40 under Section 102 is being anticipated by Isham. However, Isham merely recites a common receptacle or platform 40 that feeds into a common trough 46. Isham does not teach or suggest individual receptacles disposed below individual pump connections. Isham also does not teach or suggest a common or shared receptacle disposed below such individual receptacles. Accordingly, because Isham does not teach or suggest every element of independent claim 14, the anticipation rejection based upon Isham is improper and should be withdrawn.

Turning now to the Section 103 obviousness rejections of claims 16-18 based upon Isham in view of Stein, applicants respectfully submit that this rejection is improper as Stein merely discloses a single receptacle 45. Isham merely discloses a common are shared receptacle 40 in a common or shared receptacle or spill trough 46. Neither of these two references teach or suggest individual receptacles disposed beneath individual pump connections disposed over a common or shared receptacle as recited in independent claim 14.

Accordingly, under MPEP § 2142,

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined)

must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Citing*, In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *see also* MPEP § 2143-§ 2143.03 for decisions pertinent to each of these criteria.

Because no combination of Isham and Stein teaches or suggests every element of independent claim 14, no *prima facie* case of obviousness has been made for dependent claims 16-18 based upon the hypothetical combination of Isham and Stein. Accordingly, the obviousness rejection of claim 16-18 based upon Isham and Stein is improper and must be withdrawn.

Each rejection has been addressed and applicants respectfully submit that each rejection has been traversed.

An early action indicated in the allowability of all pending claims is respectfully requested. If the examiner has any questions or comments regarding this submission, he is invited to telephone the undersigned at the number listed below.

Dated: June 4, 2007

Respectfully submitted,

By 

Michael R. Hull

Registration No.: 35,902
MILLER, MATTHIAS & HULL
One North Franklin Street
Suite 2350
Chicago, IL 60606
(312) 977-9902
Attorneys for Applicant